

Appl. No. 10/643,358
Amdt. dated 09th August 2005
Reply to Office action of 11-Apr-05

REMARKS/ARGUMENTS

Reconsideration Requested

Applicants have given careful consideration to the grounds of the examiner in rejecting applicants' claims as follows:

I, A. Rejecting several of applicants' claims under 35 USC §112 as to clarification language in connection with various phrases within applicants' claims.

II, A. Applicants' claims 1, 2 and 10 stand rejected under 35 USC §102(b) as being anticipated by Oikawa et al., US Pat. N^o 4,966,374 ('374).

II, B. Applicants' claims 1, 3-7, 10-12, 15-17, and 19-21 stand rejected under 35 USC §102(b) as being anticipated by Syed et al., US Pat. N^o 6,623,303 ('303).

For the following reasons, applicants respectfully solicit reconsideration of the rejections. Amendments made herein to the claims enjoy full support of applicants' specification, claims, drawings, and abstract as filed; no new matter has been included.

Claim Rejections under 35 USC § 112

Several of applicants' claims stand rejected by the examiner under 35 U.S.C. §112 as the examiner has asked for clarification of recited features "a first and second" what? and "a third and fourth" what? (please see page 2 of the examiner's DETAILED ACTION). The MPEP sheds light on this, § 2173.05(a)(I & II)—portions copied below for handy reference:

The meaning of every term used in a claim should be apparent from the prior art or from the specification and drawings at the time the application is filed. . . .

. . . . The requirements for clarity and precision must be balanced with the limitations of the language and the science. If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute (35 U.S.C. 112, second paragraph) demands no more [citations omitted].

The phrases identified as indefinite now have redundant nouns amounting to minor, non-substantive clarification changes—beyond that which is required: "The requirements for clarity and precision must be balanced with the limitations of the language and the science. If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute (35 U.S.C. 112, second paragraph) demands no more [MPEP § 2173.05(a)]." In the claims, the phrasing *such as* "at least each of first and second of said plate-sections" has been amended to "at least each of said first and second plate-sections"; the phrasing "a third and fourth of said plate sections" has been amended to "a third and fourth plate-section of said plurality of plate-sections" and so on, throughout the amended claims.

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Claim Rejections 35 USC § 102(b) under Oikawa et al. ('374) figures & sections reproduced below:

FIG. 5

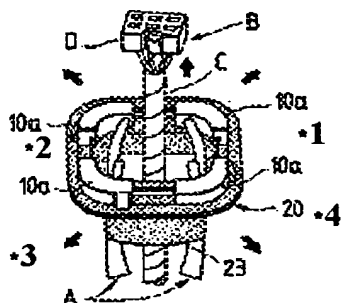


FIG. 6(a)

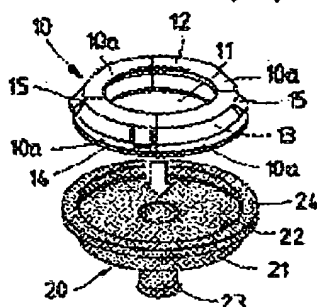


FIG. 6(b)

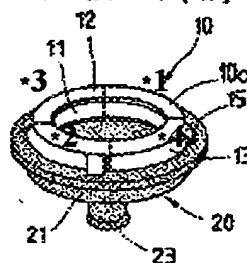


FIG. 8

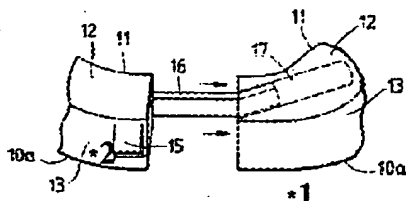
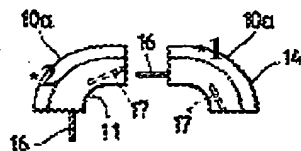


FIG. 7



ABSTRACT of Oikawa et al. '374

A grommet for preventing water from leaking through the hole of a panel having a hard portion 10 made of a hard material and fixedly fitted in the hole of a panel, and a soft portion 20 made of a soft material and including an electric cord insertion part 23 and a waterproofing part 24. The hard portion is composed of a plurality of split parts whose coupled faces are provided with guide bars 16 and guide holes 17 in which the bars are slidably fitted so that the split parts can be moved away from each other in an expansionary manner as they remain coupled to each other to allow for insertion of the cord.

Col. 3, lines 35-41 of Oikawa et al. '374:

FIGS. 5, 6(a), 6(b), 7 and 8 show a grommet which is one of the embodiments. The grommet comprises a hard portion 10 made of a hard material such as a hard synthetic resin fixedly fitted in the hole of a panel, and a soft portion 20 made of a soft material such as a rubber and including an electric cord insertion part 23 and a waterproofing part 24. The hard portion 10 and the soft

Col. 4, lines 14-20 of Oikawa et al. '374:

The hard portion 10 includes a body 12 having a cord 15 insertion hole 11 and a peripheral wall 13 provided on the peripheral part of the body and having a cross section of relatively small curvature and an annular base plate 14 secured to the bottom of the peripheral wall, as shown in FIG. 6(a). The soft portion 20 includes a body 20 21 having a recess 22 in which the annular base plate 14

REMARKS: Oikawa et al. shows merely a grommet "for preventing water from leaking through the hole of a panel." If split parts 10a of the Oikawa grommet are numbered, as done above e.g., *1, *2, *3, *4 (regardless of order, as each part 10a is an arc-shaped part with a guide bar 16 to couple into guide holes 17 to produce a donut/torus), one can see that there is no structure in Oikawa comparable to that claimed:

☒ said adjacent boundaries comprise

(1) said third edge-boundary adjacent a first edge-boundary of each of said first and second plate-sections, and

(2) said fourth edge-boundary adjacent a second edge-boundary of each of said first and second plate-sections.

The Oikawa et al. structures *do not* anticipate any of applicants' claims that recite either or both (1) or (2); it is difficult to see how one could read these features on Oikawa et al. Furthermore, Oikawa et al., has no need to adapt their torus for assembly within *any* confined area, let alone a deaerator tank or the like—nor does Oikawa provide any reason or motivation to do so. Deaerator tanks are subject to high working pressures. It is not surprising that Oikawa et al.'s arc-shaped parts 10a are configured and constructed differently than the segmented plate and associated process for assembling, as claimed by applicants. As recognized by the examiner, applicants claim *many* other features missing from Oikawa.

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Figures, as filed by applicants, reproduced below for handy comparison:

Numbering of plate-sections, by way of example only, as
 *1, *2, *3, *4 ... for purposes of discussion/reference:

FIG. 2A

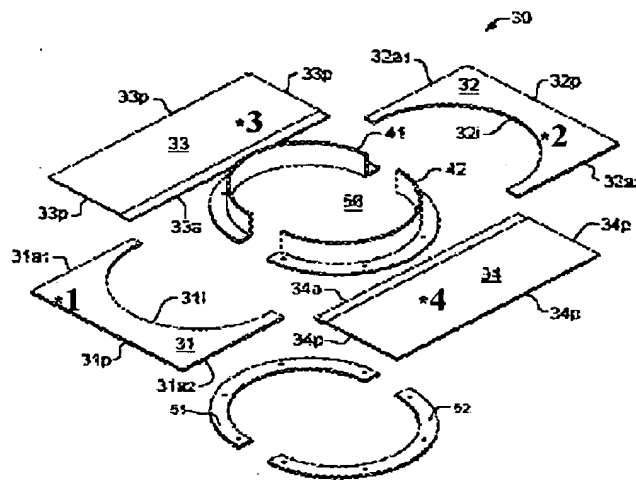
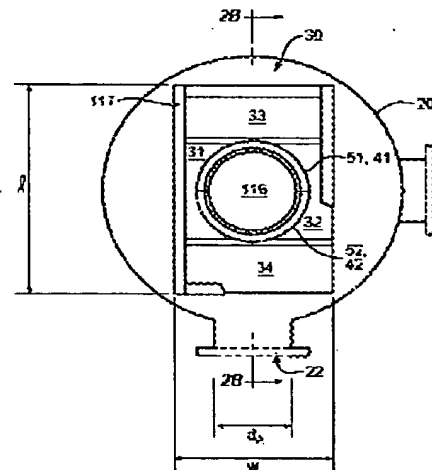


FIG. 3



Numbering of plate-sections, by way of example only, as
 *1, *2, *3, *4 ... for purposes of discussion/reference:

FIG. 4A

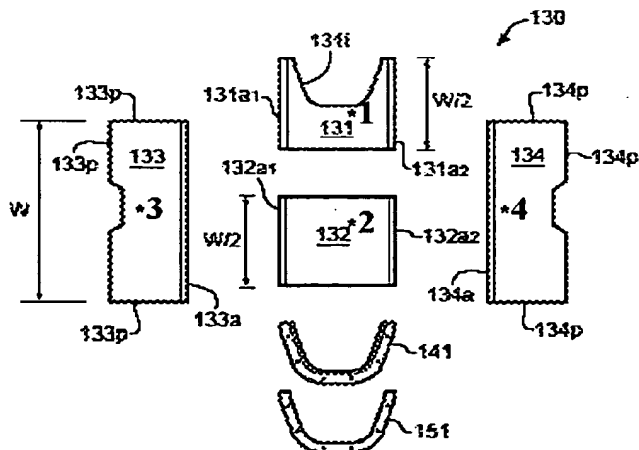
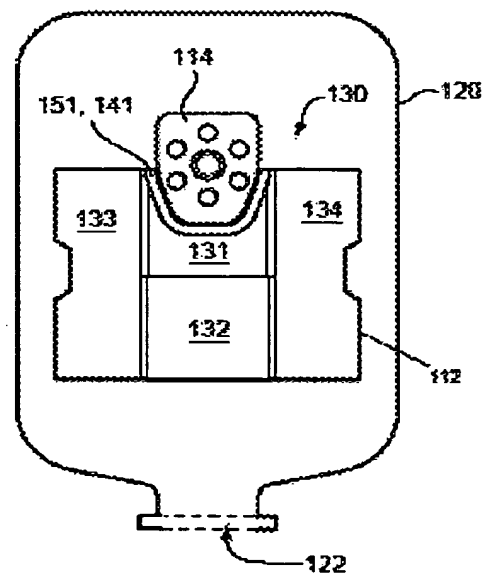


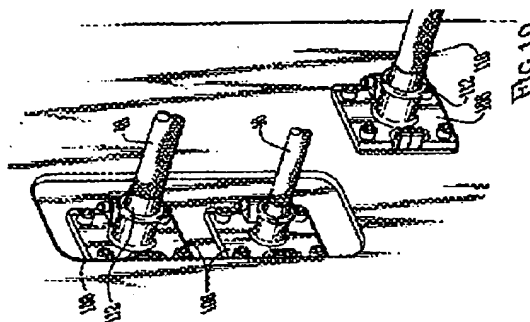
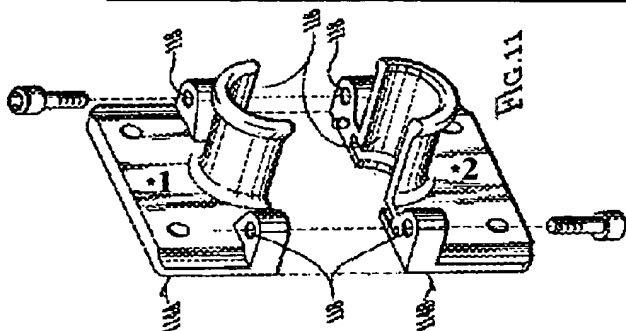
FIG. 4B



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Claim Rejections 35 USC § 102(b) under Syed et al. ('303) sections reproduced below:**col.5, lines 18-30 of Syed et al. '303**

As shown in FIG. 1, cables 16 extend from computer 12, through clamps and panel 24, 18, respectively, and terminate at computer 14 or module 14A. FIG. 18 illustrates cable terminations 106 with a module 108 such as module 14A. Specifically, FIG. 10 illustrates terminations 106 of the other end of cables 46, 48 shown in FIG. 3 and FIG. 3A, and an additional cable 110. Each termination 106 includes a ferrule 112. Ferrules 112 operate similarly to the clamps at the other end of cables 46, 48, 110; they preferably couple to chassis ground of module 108 to provide beneficial EMI shielding.

Each ferrule may for example be constructed as ferrule 114 of FIG. 11 and made from conductive material (e.g., nickel plated zinc die casting). More particularly, ferrule 114 may be constructed from two parts 114A, 114B that enclose about a cable along a cable pathway 116. Parts 114A, 114B may be coupled together by screws through receptacles 118.

FIG. 12 illustrates a cable 200 mounted within a ferrule 202, in accord with the invention. Ferrule 202 operates similarly to the clamps 24 of FIG. 1 to beneficially seal against EMI noises. FIG. 12 also shows a conductive elastomer pad 204 on the mounting surface 206 of ferrule 202, to provide better conductive connection to the underlying electronics module.

REMARKS: The only structure at issue in Syed et al. is its ferrule (FIGs. 10 and 11) "constructed from two parts 114A, 114B that enclose a cable along a cable pathway 116." If parts 114A, 114B of the Syed ferrule are numbered, as done for example in the FIG. 11 *1, *2 (regardless of order, as there are *only* two parts shown coupled with screws through receptacles 118), one can see that there is no structure in Syed et al. comparable to that claimed by applicants (recited below), *among other features*:

☒ said adjacent boundaries comprise

(1) said third edge-boundary adjacent a first edge-boundary of each of said first and second plate-sections, and

(2) said fourth edge-boundary adjacent a second edge-boundary of each of said first and second plate-sections.

The Syed et al. ferrule structure *does not* anticipate any of applicants' claims that recite either or both (1) or (2); it is difficult to see how one could read these features thereon. Furthermore, Syed et al., has no need to adapt their split-in-two ferrule design for assembly within a confined area, let alone a deaerator tank or the like—nor does Syed et al. provide any motivation to do so. By adding additional parts (e.g., a third ferrule part) to the simplified split-in-two ferrule configuration disclosed by of Syed would make it unduly complex: It is hard to imagine where such a third ferrule part would be positioned, and why one would include it. Syed et al.'s split-in-two ferrule configuration provides an adequate solution to clamp/stabilize/shield (col. 5, lines 15-30) the Syed cable assemblies.

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Nothing in either Oikawa et al., US Pat. N^o 4,966,374 ('374) or Syed et al., US Pat. N^o 6,623,303 ('303) discloses, nor teaches or suggests, the unique combinations of segmented plate structure and associated process of assembling as claimed by applicants. Furthermore, there is no need or reason identified or suggested—nor any motivation provided—by Oikawa et al. or Syed et al. to produce the unique segmented plated and associated process of assembling, as claimed by applicants in their amended claims. There is nothing in any identified or cited reference that might leading an artisan to conclude that these patents ought to be taken together with another/other reference(s), to arrive at applicants' claimed invention.

Claim Rejections under 35 USC § 102 / Anticipation – Legal Summary

As we know: "For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference These elements must be arranged as in the claim under review" *In re Bond* (Fed. Cir. 1990). The Federal Circuit has reiterated that "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention, [*Scripps Clinic & Research Foundation*]". A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim. See *Verdegaal Bros., Inc. v. Union Oil Co.* (Fed. Cir. 1987). "[A]bsence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.* (Fed. Cir. 1986). An anticipation rejection under §102 can stand against a pending claim *only* if a single piece of prior art discloses a combination including *each* element of the pending claim such that each prior art element is identical to a corresponding, similar structurally-arranged element of the pending claim. This is not the case, here. For reasons enumerated, applicants submit that their independent claims, as well as each dependent claim depending therefrom, include features not disclosed in, and not taught or suggested by any reference cited.

Allowable Subject Matter

Applicants acknowledge that pending claims 8, 9, 13, 14, 18 and 22 "would be allowable if rewritten in independent form. . . ." Further, the examiner has noted (please see examiner's DETAILED ACTION, p. 4):

The claims are being examined as they pertain to the subcombination of a "segmented plate". If applicant wishes to claim the combination of a limited access and a segmented plate claims should be drafted accordingly.

Applicants have amended their claims consistent with this recommendation.

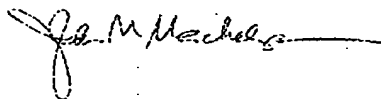
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Summary/Conclusion and Request for Reconsideration

Once again, with each of the cited references silent as to applicants' claim combination(s) — and rather the cited references teaching *away* from applicants' structures/step features as claimed— it is difficult to image how one could be led to create applicants' claimed innovation. In sum, after careful consideration of the references, one can see that each fails to disclose, teach or suggest the instant unique claimed invention. A closer look reveals that each reference identified stops short of appreciating or providing motivation to arrive at the combinations claimed in applicants' independent claims. And, although each dependent claim depending from an independent claim containing patentable subject matter is also considered patentably distinct, applicants' dependent claims include further limitations not taught or suggested in any combination of the references cited. Nothing can be found in the references to lead an artisan to try to combine the references, and nothing indicates any need to do so.

Each of pending claims 1 – 22 overcome the examiner's §112 and §102 rejections, and as such, are considered patentably distinct from the art. Once again, it is submitted that applicants' claims contain allowable subject matter; therefore, favorable reconsideration is respectfully solicited. Please do not hesitate to call the undersigned.

Respectfully submitted this 09th day of August 2005,



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